

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x :
UNITED STATES OF AMERICA :
-v.- :
TARIK HOLMES,

Defendant.

USDC-11NY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 10/27/11
DATE FILED: 10/27/11

CONSENT ORDER OF
FORFEITURE

10 Cr. 504 (PGG)

- - - - - x :
TARIK HOLMES,

WHEREAS, on or about June 8, 2010, TARIK HOLMES (the "defendant"), was charged in a two-count Information, 10 Cr. 504 (WHP) (the "Information"), with conspiracy to steal mail, receive stolen mail, forge endorsements on and negotiate stolen Treasury checks, in violation of 18 U.S.C. §§ 1709, 1708, 510(a), 510(b), and 371 (Count One); and theft of mail by a postal employee, in violation of 18 U.S.C. § 1709 (Count Two);

WHEREAS, the Information included a forfeiture allegation, seeking forfeiture to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, any property, real or personal, which constitutes or is derived from proceeds traceable to the offense alleged in Counts One and Two of the Information, including but not limited to at least \$60,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two of the Information;

WHEREAS, on June 8, 2010, before Magistrate Judge Gabriel W. Gorenstein, the defendant pled guilty to Counts One and Two of the Information and admitted the forfeiture allegation, pursuant to

a plea agreement with the Government, wherein the defendant agreed to forfeit a sum of money equal to \$60,000 in United States currency, representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two;

WHEREAS, on October 20, 2011, United States District Judge Paul G. Gardephe accepted the defendant's guilty plea;

WHEREAS, the defendant consents to a money judgment in the amount of \$60,000 in United States currency, representing the proceeds obtained as a result of the offenses charged.

IT IS HEREBY STIPULATED AND AGREED, by and between the plaintiff, United States of America, by its attorney Preet Bharara, United States Attorney, Assistant United States Attorney Justin Anderson, of counsel, and the defendant, and his counsel, Robert Baum, Esq. that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the defendant pled guilty, a money judgment in the amount of \$60,000 in United States currency shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Order of Forfeiture is final as to the defendant, TARIK HOLMES, upon entry of this order, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. Upon execution of this Order of Forfeiture, and

pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Money Judgment in the Asset Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

5. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2 (e) of the Federal Rule of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Order to Assistant United States Attorney Sharon Cohen Levin, Chief of the Asset Forfeiture Unit, United States

Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

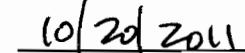
8. The signature pages of this order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Plaintiff

By:

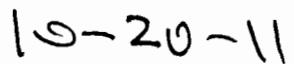

JUSTIN A. ANDERSON
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1035


DATE

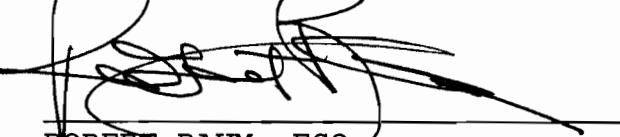
TARIK HOLMES

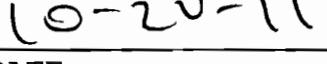
By:


TARIK HOLMES


DATE

By:


ROBERT BAUM, ESO.
Attorney for Defendant
Federal Defenders of New York Inc.
52 Duane Street, 10th Floor
New York, NY 10007
(212) 417-8700


DATE

SO ORDERED:


THE HONORABLE PAUL G. GARDEPHE

UNITED STATES DISTRICT JUDGE


DATE